

Appl. No.: 10/789,722  
Amendment And Response To Office Action

Docket No.: 085804 . 014700

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REMARKS

Claims 1 to 32 are the pending claims, of which Claims 1, 13, 16, 21, 22 and 25 are independent. Reconsideration and further examination are respectfully requested.

Claim 1 is being amended to correct a minor typographical error, which amendment is made independent of any matter raised in the Office Action.

Claims 1 to 32 are rejected under 35 U.S.C. § 103(a) over WO 02/057943 (Justin) and WO 00/48375 (Tobias), and Claims 13 and 28 to 31 is further rejected over Justin, Tobias and U.S. Patent No. 7,013,290 (Ananian). Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 1 recites a method of managing digital content received from a plurality of content providers, and facilitating access to the digital content to a plurality of subscribers. In accordance with the steps of the recited method, incoming feed files are received from a plurality of content providers, each feed file having descriptive information describing digital content. One or more templates are applied to the feed files to determine if the feed files are approved. Request files are received from subscribers, each request file containing one or more search criteria. One or more answer files are provided in response to the request files, each answer file identifying one or more feed files that meet the search criteria of a corresponding request file.

The Office Action concedes that Justin does not teach, suggest or disclose any of the steps recited in Claim 1, and contends that Tobias discloses these elements.

Tobias focuses on providing a media distribution system, in which media subscription packages consisting of media content and rules for distributed the media content are purchased/requested by authorized affiliate servers, which distribute the subscription package's media content in accordance with distribution rules. The authorized affiliate server requests a media content subscription package from a displayed list of available subscription packages. (See Tobias, page 5 and page 16, line 18 to page 17, line 6). In response to the affiliate server's request, a distribution server sends the requested subscription packages to the affiliate server. (See Tobias, page 11, line 1 to page 12, line 16) The distribution server uses an encoding service to encode the media content for a given media program. After it is encoded by the encoding

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server, the encoded media content is encrypted and transmitted as a message to the distribution server's delivery manager. The delivery manager decrypts the message, registers the encoded media content in a repository, uses an XML parser to parse XML data generated by the encoding server, and stores the parsed XML data in the repository. (See Tobias, page 13, line 15 to page 14, line 16, and Figures 2 and 3). After the affiliate server receives the subscription package from the distribution server, it can then distribute the media content in accordance with the distribution rules. (See Tobias, page 5)

The media distribution system described in Tobias is directed to a different aspect of media distribution and does not suggest the problem or offer the solution addressed by the present claims. It is clear from a reading of Tobias that Tobias does not consider the validity of the media content on which it operates, nor offer any teaching of any methodology for doing so. Indeed, by the absence of such disclosure, Tobias apparently presumes the validity of the content its architecture intends to make available. In contrast, the invention of the present claims, receives feed files and applies templates to the feed files to determine whether the feed files can be approved in their received form. Thus the present claims address whether a feed file can be approved, not how a feed file may be subsequently distributed without concern for the validity of the feed, which is the focus of Tobias.

Turning to the stated grounds for rejection, the Office Action contends that page 16, lines 18 to 24 of Tobias discloses applying a template to received feed files to determine whether the feed files are approved. However, the cited portion of Tobias describes the displayed list of available subscription packages for selection by an affiliate server. This clearly cannot be said to teach, suggest or disclose applying a template to feed files received from content providers to determine if the received feed files are approved.

Furthermore, nothing in Tobias teaches, suggests or discloses feed files let alone receiving incoming feed files from content providers. The cited portion of Tobias, i.e., page 14, lines 5 and 6, cannot be said to disclose this element. As discussed above, the cited portion of Tobias is part of the discussion describing the encoding service that encodes media content by encoding the media content and using XML to describe the data contained in the completed

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order. An encoding service encoding media content and generating XML to describe data in the completed order is not the same as the claimed method step of receiving incoming feed files from a plurality of content providers, each of the received feed files having descriptive information describing the digital content.

In addition to the above-discussed deficiencies, nothing in Tobias teaches, suggests or discloses the claimed step of providing answer files identifying one or more feed files that meet search criteria contained in a received request file. The cited portion of Tobias, i.e., page 15, lines 22 to 24, 1 to 4 and 12 to 17 of Tobias, is part of the discussion of how media content is encoded by the encoding service for a media program, the encoded media content then being sent to the distribution server, for storage in a repository. Nothing in the cited portion even mentions search criteria, let alone a request file received from a subscriber which contains the search criteria, or an answer file that identifies one or more feed files that meet the claimed search criteria.

In view of the above discussion, Tobias cannot be said to teach, suggest or disclose the claimed invention of managing digital content received from a plurality of content providers and facilitating access to the digital content by a plurality of subscribers by incoming feed files from a plurality of content provides, each feed file having descriptive information describing digital content, determining if the feed files are approved by applying one or more templates to the feed files, receiving request files from the subscribers, each request file containing one or more search criteria, and providing one or more answer files in response to the request files, each answer file identifying one or more feed files that meet the search criteria of a corresponding request file.

Based on the concessions made in the Office Action and the remarks provided herein, no hypothetical combination (if such combination is even permissible, a point which is in no way conceded herein) of Justin and Tobias can be said to teach, suggest or disclose the claimed invention.

For at least the reasons discussed above, the applied art cannot be said to teach, disclose or even to suggest the claimed invention. Claim 1 and the claims that depend therefrom are

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believed to be in condition for allowance. In addition, for at least the same reasons, Claims 16, 21 and 22, and their dependent claims, are also believed to be in condition for allowance.

With regard to the dependent claims, should the Examiner maintain the rejection of these claims, it is respectfully requested that the Examiner address apparent inconsistencies between the stated grounds of rejection of the dependent claims and the concessions made in the Office Action with respect to the independent claims.

As one example, Claim 2 depends from Claim 1 and has the additional elements of determining that a first feed file is not approved based on a comparison of the first feed file to a first template, identifying that the first feed file is unapproved, modifying the descriptive information of the unapproved feed file in accordance with the first template and identifying the first feed file as approved. The Office Action relies on Justin as disclosing these elements. In its rejection of Claim 1, however, the Office Action concedes that Justin fails to disclose at least the element of determining if received feed file are approved by applying one or more templates to the feed files. The Office Action's reliance on Justin to reject the elements of Claim 2 is inconsistent with the concessions made in the Office Action, and further clarification of the grounds for rejecting Claim 1 is therefore respectfully requested, should the rejection be maintained.

In addition to the elements discussed above, independent Claim 25 has the elements of assigning a first service level to a first content provider and a second service level to a second content provider, and providing an answer file in response to the request file, the answer file identifying one or more feed files that meet the search criteria, wherein the feed files are identified according to a priority based on the service levels.

The Office Action contends that page 11, lines 5 to 8 of Justin discloses providing an answer file in response to the request file, the answer file identifying one or more feed files that meet the search criteria, wherein the feed files are identified according to a priority based on the service levels. However, nothing in the cited portion of Tobias can be said to identify feed files according to a priority based on service levels assigned to content providers, let alone an answer file identifying one or more feed files according to a priority based on the service levels.

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In addition to the reasons discussed above with reference to Claim 1, Claim 25 is believed to be allowable for the reason that the applied art fails to teach, suggest or disclose at least the feature of providing an answer file in response to the request file, the answer file identifying one or more feed files that meet the search criteria, wherein the feed files are identified according to a priority based on the service levels. The claims that depend from Claim 25 are also believed to be allowable for at least the same reasons.

Claim 13 recites a graphical interface for processing digital content identified by a plurality of feed files. The interface comprises a display window, a plurality of tabs and a save button. The display window is configured to present and to permit editing of descriptive information corresponding to an event identified in a feed file, wherein the descriptive information is separated into at least two groups of the claimed descriptive information. The plurality of tabs are located on the display window for selecting among the at least two groups of descriptive information. The save button is located on the display window and is configured to store the plurality of descriptive information in a database, the descriptive information corresponding to the event of the incoming feed file.

The Office Action concedes that Justin does not disclose a user interface that comprises a plurality of tabs located on a display window for selecting among at least two groups of descriptive information, and/or a save button located on the display window configured to store the plurality of descriptive information in a database, the descriptive information corresponding to the event of the incoming feed file. The Office Action contends that Ananian discloses these claim elements.

In contrast to the claimed invention which relates to processing digital content identified by a plurality of feed files, Ananian focuses on cataloging website products and services for a user by creating a personal catalog of such products and services for the user. While the cited portions of Ananian describe a user interface, the user interface described is limited to displaying the user's personal catalog selections. In particular, the cited portion of Ananian, i.e., col. 44, lines 51 to 62, describes a user interface screen used to provide a listing of the user-selected catalog items. From the line item listing screen of Ananian, a user can select one of the line

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items to view the item, and use navigational tabs to return to from the detail view to the listing view. At col. 21, lines 15 to 20 and lines 36 to 45 cited in the Office Action, Ananian describes vendor websites that allow a user to create an account and save a list of products found on the website, and the use of cookies to track the user's website actions.

Ananian's user interface for viewing a user's personal catalog of products and services selections is in no way related to the claimed user interface for processing digital content identified by a plurality of feed files. Nothing in the cited portions of Ananian can be said to teach, suggest or disclose the claimed user interface for processing digital content identified by a plurality of feed files, let alone a user interface which includes a display window on which are located a plurality of tabs and a save button, the plurality of tabs for selecting among at least two groups of descriptive information corresponding to an event identified in a feed file, and the save button configured to store the plurality of descriptive information in a database, the descriptive information corresponding to the event of the incoming feed file.

For at least these reasons, the applied art cannot be said to teach, disclose or even to suggest the claimed invention. Claim 13 and the claims that depend therefrom are therefore believed to be in condition for allowance.

Furthermore, and while the above reasons should be sufficient reason to withdraw the rejection, the rejection should be withdrawn for the reason that there has been no showing in the Office Action of a suggestion, teaching, or motivation that would have led a person of ordinary skill in the art to modify the teachings of the applied references in a manner that would have resulted in the claimed invention. Without such a showing, it can only be said that the disclosure of the present application is being used as a blueprint to modify the teachings of the applied art to reject the claims of the present invention.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The Applicant respectfully requests that a timely Notice of Allowance therefore be issued in this case. Should matters remain which the Examiner believes could be resolved in a further

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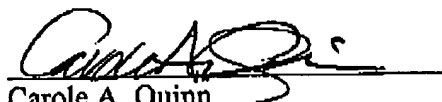
telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

In this regard, Applicant's undersigned attorney may be reached by phone in California (Pacific Standard Time) at (714) 708-6500. All correspondence should continue to be directed to the below-listed address.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred when charging any payments or credits for this case.

Respectfully submitted,

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